

REMARKS

The Office Action of January 26, 2009, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, the Examiner objected to the drawings for allegedly not illustrating every feature of the invention specified in the claims. As clarified above in the claims, Applicants respectfully submit that these objections have been obviated. More particularly, as recited in amended claim 1, Fig. 1 illustrates a first bath row (6) extending from an input station (5) located at a first end of the staining machine to an opposite end of the first bath row and a second bath row (11) extending from an output station (14) located at the first end of the staining machine to an opposite end of the second bath row. With respect to amended claim 3, reference numeral 8 shows the first transport device, reference numeral 13 shows the second transport device, and reference numeral 10 shows the crossbar device for transfer of baskets, as shown at least in Fig. 2 and explained in the specification at Paragraph [0018] of the published application. As recited in claim 5, the toothed belts (reference numeral 15 in Figs. 5-6) at an end of the machine are coupled via an additional toothed belt (reference numeral 20 in Figs. 3 and 6) to corresponding toothed belts (reference numeral 15 in Fig. 4) arranged at an opposite end of the machine with appurtenant guide wheels (16, 17) and carriers (18) at the other end of the cheeks, so that the cheeks are lifted and lowered synchronously at each end thereof. As noted by the Examiner, Fig. 1 has been amended herewith to change reference numeral (6) to reference numeral (14) and thus be consistent with the

remaining figures. In view of the above, Applicants submit that the objections to the drawings have been obviated.

Claims 1-7 have been rejected under Section 112, second paragraph, as being indefinite, as set forth on pages 3-5 of the above Office Action. As set forth above, the claims have been carefully reviewed and amended to overcome the alleged indefiniteness noted by the Examiner. Accordingly, Applicants respectfully submit that the rejections under Section 112 should be withdrawn.

In addition, claim 1 -7 have been rejected under 35 U.S.C. 102(b) as being anticipated by Tabata (US 4,911,098).

Claim 1, as amended above, is directed to a staining machine for treatment of tissue specimens on slides placed in baskets. The machine includes a number of baths placed successively in two juxtaposed and parallel bath rows, the first bath row extending from an input station located at a first end of the staining machine to an opposite end of the first bath row, and the second bath row extending from an output station located at the first end of the staining machine to an opposite end of the second bath row. A first transport device is provided for successive and simultaneous transport of the baskets in the first bath row from one bath to the next one from the input station towards the opposite end of the first bath row, and a second transport device is provided for successive and simultaneous transport of the baskets in the second bath row from one bath to the next one from the opposite end of the second bath row towards the output station. The machine further includes a device for the transfer of baskets from a bath at the opposite end of the first bath row to a bath at the opposite end of the second bath row. Thus, the baskets are

transported from the input station to the output station in accordance with a predetermined treatment program.

The primary reference relied upon by the Examiner, Tabata, is directed to an automatic straining apparatus for slide specimens. The embodiment in Fig. 6 discloses first and second robots 21, 22 which are moved to the right and left by a transverse driving mechanism. The chemical solution containers (#1-#23) are aligned transversely between the loading port 6 and the discharge port 7. Figs. 7-8, upon which the Examiner also appears to rely, disclose conventional automatic staining apparatus. Tabata does not disclose or suggest that these conventional apparatus of Figs. 7-8 can be modified in view of the inventive apparatus of Figs. 1-6. In fact, Tabata explains at some length the drawbacks and disadvantages of said conventional apparatus as set forth in Col. 2, lines 22-68, thus teaching against the combination of apparatus proposed by the Examiner. Accordingly, Applicants submit that Tabata does not disclose a staining machine comprising a device for the transfer of baskets from a bath at the opposite end of the first bath row to a bath at the opposite end of the second bath row and that claims 1-7 are therefore not anticipated.

Moreover, Tabata fails to disclose a first bath row extending from an input station located at a first end of the staining machine to an opposite end of the first bath row and a second bath row extending from an output station located at the first end of the staining machine to an opposite end of the second bath row, as recited in claim 1. Rather, Tabata discloses a loading port 6 on one end and a discharge port 7 on the other end. Hence, Tabata does not disclose an input station at a first end and an output station also at the first end of the straining machine.

Tabata also fails to disclose a first transport device for successive and simultaneous transport of the baskets in the first bath row from one bath to the next one from the input station to the opposite end of the first bath row and a second transport device for successive and simultaneous transport of the baskets in the second bath row from one bath to the next one from the opposite end of the second bath row to the output station. As explained in Tabata at Col. 9, lines 32-40, first robot 21 moves from the loading zone 6 to relay station 19 and second robot 22 moves from the relay station 19 to the discharge port 7. Hence, neither robot moves from one end of the row to the other end of the row.

Thus, Tabata fails to disclose a staining machine wherein the baskets in a first bath row are successively and simultaneously transported from one bath to another bath in the first bath row from an input station to an opposite end, wherein baskets in a second bath row are successively and simultaneously transported from one bath to another bath in the second bath row from the opposite end to an output station.

CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: June 26, 2009

By:

A handwritten signature in black ink, appearing to read "Wendi L. Weinstein", written over a horizontal line.

Wendi L. Weinstein
Registration No. 34456

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620